

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 336 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

CHANDRAKANT DAHYABHAI PATEL

Versus

SECRETARY, G.E.B., BARODA

Appearance:

MR AN PATEL for Petitioner

MR MD PANDYA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/05/97

ORAL JUDGMENT

The petitioner, an employee of the Gujarat Electricity Board, filed this Special Civil Application before this Court and prayer has been made for direction to the respondent to consider his case for promotion to the post of Plant Operator (P.O., for short) Grade I in the basic salary of Rs.550/- with retrospective effect from the actual date when his juniors were promoted in the grade of P.O. Gr.I and thereafter for the post of Junior Engineer in the grade of Rs.700/- (basic salary) from the date when actually the petitioner ought to have been promoted when his juniors were promoted as Junior Engineers.

2. The petitioner was appointed on the post of Switch Board Operator on 12.8.77. The learned counsel for the petitioner does not dispute that there is no channel of promotion provided to the post of P.O. Gr.I from the post of Switch Board Operator. The learned counsel for the petitioner also further admits that after filing of the Special Civil Application, the petitioner has been promoted to the post of Junior Engineer. The post of Junior Engineer is the post of higher status and pay scale than the post of P.O.Gr.I. So, from the aforesaid admission and the averments made in the Special Civil Application, it is clear that the channel of promotion has been provided from the post of Switch Board Operator to the post of Junior Engineer. The petitioner has already been promoted to the post of Junior Engineer and it is not the case of the petitioner that any of the persons junior to him in the category of Switch Board Operator Gr.I, have been promoted earlier to him on the said post. Leaving apart the question that the channel of promotion has been provided or not to the post of P.O. from the post of Switch Board Operator Gr.I, it is also not case of the petitioner that any of his juniors in his category have been given promotion to the post of P.O. Gr.I. So, none of the legal and fundamental rights of the petitioner are infringed. This writ petition is wholly misconceived. Order accordingly.

3. The Special Civil Application is dismissed. Rule discharged. No order as to costs.

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